

County of Monroe


Growth Management Division
2798 Overseas Highway
Suite 410
Marathon, Florida 33050
Voice: 305.289. 2500
FAX: 305.289. 2536



Board of County Commissioners
Mayor Dixie Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David Rice, District 4
Murray E. Nelson, District 5

MEMORANDUM

TO: Board of County Commissioners

FROM: Timothy J. McGarry, AICP 
Director of Growth Management

DATE: January 5, 2005

RE: **Public Hearings on Proposed Amendments to
Comprehensive Plan and Land Development Regulations
to Implement Goal 105 – Tier System**

Introduction

At its January 19, 2005, regularly scheduled meeting, the BOCC will conduct two separate public hearings continued from December 15, 2004, on proposed amendments to the Comprehensive Plan and Land Development Regulations. As done at the December meeting, the first public hearing will consider ordinances adopting text amendments to the Comprehensive Plan and Land Development Regulations followed by a public hearing on the ordinance adopting the draft Tier Overlay District Map. The Board is asked to bring to the January meeting, Agenda Items (R#1 through R#7) from the December agenda package and the loose leaf Workbook provided in that agenda package.

Purpose and Procedures

This memorandum is intended to facilitate the Board's consideration of the complex, set of comprehensive plan amendments and enable the Board to direct the staff to make any further revisions that are needed. To accomplish these purposes, the staff recommends the following procedures be followed:

1. Prior to opening the public hearing to public comment, the staff will brief the Commission on the staff's responses to the written and oral comments by the public at the December 15 public hearing and any written comments received subsequent to that hearing.

2. Once the public comment period is over and prior to Commission discussion on the proposed ordinances, the BOCC will consider and provide direction to the staff in addressing issues and recommendations identified in this memorandum. Specific BOCC action or direction requested on each issue or recommendation is shown in **bold**.

Staff Responses to Public Comments

A copy of the staff's responses to oral and written comments from the public at the December 15 meeting were sent to the BOCC previously under separate cover and is attached to this memorandum. Additionally, the staff has prepared a staff memorandum in response to a letter and newspaper article in *The Reporter* sent to the BOCC from Mr. Hal Fried, which are also attached.

Issues and Recommendations for Further Consideration

Issues and staff recommendations regarding further revisions to the draft amendments and Overlay Tier District Map warranting some further consideration by the Board are organized into the following three sections:

- o Minor editorial revisions identified by staff to correct typographical mistakes or omissions in the proposed text or the Overlay District Map;
- o Issues identified and/or recommended by staff for further consideration contained in the Planning Director's memorandum dated December 1, 2004; and
- o Changes recommended by staff in response to public input at the December 15 public hearing.

Minor Editorial Revisions

In further review of the draft ordinances, the staff has identified two needed changes, which will be incorporated into the final draft ordinances:

1. ROGO Ordinance, Section 9.5-122.1(g)(2). "Section 9.5-122(c)" is incorrectly referenced in this subparagraph; the reference should be changed to "Section 9.5-122 (b)".
2. Tier System Overlay District Ordinance. The ordinance needs to specify that Ocean Reef is excluded from a tier designation; Section 9.5-256 (a) should be amended to read as follows (new language underlined):

“(a) *Purpose:* The purpose of this Tier Overlay District is to designate geographical areas outside of mainland Monroe County, excluding the Ocean Reef development, into one of three tiers to assign ROGO and NROGO points, determine the amount of clearing of upland native vegetation that may be permitted,

and prioritize lands for public acquisition. The Tier boundaries are to be depicted on the Tier Overlay District Map.

3. Tier Overlay District Map. The Tier Overlay District Map does not show the northern portions of Key Largo including Ocean Reef; the Tier Overlay District Map needs to be revised to include Map #16 that includes this missing portion of Monroe County. The area depicted on Map #16 is all designated as Tier I except for the Ocean Reef, which is depicted with no tier designation.

[BOCC approval of three minor revisions above requested.]

Issues Identified by Staff for Further Consideration

In her December memorandum, the Planning Director identified several issues related to the proposed amendments warranting further consideration by the BOCC, including a request for the Board to decide whether or not it wishes to consider the proposed "Lottery" option for ROGO. No direction was given to staff on any of these issues at the December public hearing.

1. Limitations on Number of Quarterly Administrative Relief Awards. The proposed amendments eliminate perseverance points for all new applications entering the ROGO system. Therefore, at the end of four years, applicants will be expecting to either receive a permit or an offer to purchase their lot depending upon the Tier designation and environmental quality of the lot in question.

The staff is concerned that in the future that the number of applications eligible to receive a permit under Administrative Relief may greatly reduce the number of allocations available in the system, which in turn may adversely affect the County's legal exposure under takings claims. *To address this potential problem, the staff recommends amending the draft ROGO Land Development Regulations ordinance to limit the number of administrative relief allocations that can be awarded in any quarter to no more than 50% of the quarterly allocation; and, amending the draft ROGO Comprehensive Plan and Land Development Regulations ordinances to require that the "preferred relief" option for any lot scoring less than 30 points, outside Big Pine Key and No Name Key, and less than 20 points on Big Pine Key and No Name Key, will be an offer to purchase.* **[BOCC direction requested.]**

2. Payment into a Land Acquisition Fund for Points. A purchase of points option was considered and not recommended by the Planning Commission. Under this proposed option, up to three points could be purchased for a fee approximately equal to the cost per point of purchasing and dedicating a ROGO lot. The Planning Commission was concerned that by changing the system there would be less conservation lots purchased; however, the staff believes that this issue can be mitigated by requiring the funds only be used for acquisition of conservation lands. Furthermore, this alternative may help to dampen the rising costs of lots eligible for dedication under ROGO. *The staff recommends amending the draft ROGO*

Comprehensive Plan and Land Development Regulations ordinances to provide the opportunity for up to 3 points to be awarded under ROGO with monetary payment to the County's land acquisition fund for the purchase of lands for conservation; and to annually establish the monetary value of each point based upon the average ad valorem valuation of all vacant privately-owned IS/URM zoned platted lots on the current Monroe County Real Property Tax Roll. [BOCC direction requested.]

3. Hybrid [Lottery] ROGO System. An alternative ROGO system, which proposes that the market rate housing share be allocated through both a competitive system and a lottery system, was reviewed and not recommended by the Planning Commission. The predominate majority of public testimony received at the PC public hearings was not supportive of the proposal. Although the staff has made no recommendation on the proposal, it is included in the BOCC workbook to provide an opportunity for the Board's consideration should it so desire.

Under this proposal, approximately 20% of the market rate housing would be available through the lottery and the remainder available for those applicants who wish to have the assurance gained from the competitive system. The applicant determines if he wants to compete or enter the lottery. A threshold of 30 points is required to be eligible to enter the lottery. This dual system would provide a means for those who cannot afford to purchase lots to donate for points to have a chance of receiving an allocation. After four years applicants that have not received an allocation can apply for Administrative Relief. *The staff recommends that the BOCC make a decision on whether or not it is interested in this approach so that the staff can prepare the necessary amendments to the draft ROGO Comprehensive Plan and Land Development Regulations ordinances for consideration by the BOCC at the February public hearing. [BOCC direction requested.]*

Recommended Changes In Response to Public Input

Based on its review of the public written and oral comments (see "Staff Responses to Oral and Written Comments" attached) received concerning the comprehensive set of proposed amendments at the December 15 public hearing, the staff is making four additional recommendations for changes that warrant consideration by the BOCC.

1. Existing Conditions Report. The Existing Conditions Report required by Section 9.5-336 (see draft Environmental Standards ordinance) should include animals observed on site. *The staff believes that this requirement would be beneficial and recommends amending Section 9.5-336 to require that animal species observed on site be identified in the report. [BOCC direction requested.]*
2. Frequency of Amendments to Tier Overlay District Map. The proposed language of Section 9.5-256 (see draft Tier Overlay District ordinance) does not place any limits on the number of times during the year amendments to the Tier Overlay District Map may be considered. The staff believes this suggestion on limiting the number

of times per year amendments may be considered would reduce the work load on staff and ensure a more comprehensive, rather than piecemeal review of each request. *The staff recommends that the draft ordinance be amended to limit consideration of Tier Overlay District Map amendments to one time per calendar year.* [BOCC direction requested.]

3. ROGO Points for Tier II Properties. Concern was raised that the difference in points between Tier II and Tier III is out of proportion to the differences in the two designations of property and would significantly increase costs to develop Tier II lots. Although, Tier II lots are not preferred for development, the staff believes a 5 point differential would be sufficient and made that recommendation to the Planning Commission. *The staff recommends amending the draft ROGO Comprehensive Plan and Land Development Regulations ordinances to increase the proposed points for Tier II designated properties (outside of Big Pine Key and No Name Key) from 20 to 25 points.* [BOCC direction requested.]
4. Borrowing Future Allocations for Affordable Housing. A suggestion was made to allow borrowing up to 10 years worth of future affordable housing allocations and to make these allocations available all at once. The proposed regulations allow borrowing up to 20 percent of the future quarterly allocations for multi-unit projects with a limit of five years. The staff believes that the suggestion is too broad in terms of the length of the borrowing period, but the concept has some merit in that it would allow the County to provide a pool of ready affordable housing allocations. *Therefore, the staff recommends amending the draft ROGO Land Development Regulations to explicitly allow the BOCC upon recommendation of the Planning Commission to borrow and make available up to five years worth of affordable housing allocations at a time.* [BOCC direction requested.]
5. Other Recommendations (?) [BOCC direction requested as appropriate.]

Attachments

**STAFF RESPONSES TO ORAL AND WRITTEN COMMENTS-
IMPLEMENTING GOAL 105 – PLAN AND LDR AMENDMENTS
BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING
DECEMBER 15, 2004**

Environmental Regulations, ROGO and Tier System

1. **Comment/Question:** The Tier designation is more stringent than the existing system and will devalue (take) property making the County liable.

Staff Response: The proposed system is generally no more stringent than the existing system, except that clearing limits for upland native habitat in Tier I properties will be set at 10 percent rather than the current 20 percent. Tier II and Tier III properties would be automatically held to clearing limits of 40 percent and 60 percent respectively, regardless of the value of the existing upland native habitat.

Of themselves, none of these new limits would make the preponderance of these properties less buildable or less valuable for residential uses. The very fact that market demand for lots far outstrips the limited supply of lots available for development is significantly increasing the value of all developable properties in the Florida Keys with or without any changes to the existing system.

The staff believes that the concerns raised about the proposed system's impact on "takings" challenges are overstated and that the County will not be exposing itself to legal challenges under "takings laws" any more than under the current system. To confirm the staff's evaluation and to ensure the defensibility of the proposed regulations as to Federal/State takings laws and the Bert Harris Act, the draft regulations have been submitted to special legal counsel for review.

Overall, the new system will actually enhance the competitiveness of platted lots situated in built-up areas (Tier III) and make platted lots in less developed and more environmentally sensitive areas less competitive. In some isolated cases with numerous endangered and threatened species, Tier I properties may even appear to be slightly more competitive under the new system, but not to such an extent that it would be easy to develop these properties.

Basically, it can be safely said that if your property scores poorly under the current ROGO system, it will most likely score poorly under the new system. The main difference being that the property owner will know upfront how well the property will score, rather than relying on costly, environmental surveys to determine the scoring.

A staff analysis of the numbers substantiates this belief. In comparing ROGO Year 13, Quarter I applications under the current and proposed ROGO systems

for the Upper Keys and Lower Keys as shown in the Attachment, the proposed new scoring system significantly increases the average scores for Tier III applications by over 13 points and Tier II applications by over 4 points. The average scores for Tier I applications show a loss of points, although in some situations the point scores will increase marginally.

Already in the ROGO system, the overwhelming number of applications are for Tier III properties (89% in Lower Keys and 72% in the Upper Keys) with very few applications in Tier I (less than 4% in the Upper Keys and 9% in the Lower Keys). The only sizable number of Tier II applications are in the Upper Keys, where they make up approximately a quarter of the applications.

As is shown in the Attachment, under the proposed system Tier III properties will be heavily favored in accordance with the policies and objectives of Goal 105 of the Comprehensive Plan. If the proposed system is applied to existing applications in ROGO Year 13, Quarter 1, only Tier III applications would have sufficient scores to receive an allocation for both the Upper and Lower Keys. Tier II properties would be much less competitive than currently, which is what is called for under Goal 105; however, these properties would be eligible for non-competitive affordable housing allocations as long as no upland tropical hardwood hammock or pinelands is cleared.

Tier I properties that are not competitive under the current system, would remain non-competitive under the proposed system even if their scores are increased. Tier I properties that are competitive under the current system, would be no longer competitive under the new system, achieving the specific policies of Goal 105 to severely discourage development in these areas.

Although this scoring comparison of the applications in the ROGO system under the existing and proposed scoring systems is useful, it can not take into account how applicants will react to the proposed scoring system to make their applications competitive. Furthermore, any such comparisons are limited by the fact that historically more than 85 percent of the quarterly allocations are awarded to applications entered in the very same quarter as their award. Therefore, trying to evaluate the impact of scoring differences on over 400 applications must be tempered by the fact that most of these applications in the system, whether or not the system is changed, will still not be able to compete with newer applications unless they are revised.

2. **Comment/Question:** Keep the HEI and base the habitat on what existed on the 1986 habitat maps rather than the Tier system based on the existing condition.

Staff Response: The Habitat Evaluation Index (HEI) has numerous flaws in its application and interpretation, particularly when applied on a small lot by lot basis. The HEI has been used to primarily establish the quality of the upland habitat, which translated into clearing limits and negative ROGO points for

habitat. The new system automatically establishes clearing limits without a time consuming and costly biological evaluation based on the HEI protocol that was subject to differing interpretations by different biologists.

Basing the habitat on the 1986 habitat maps fails to account for re-growth of upland habitat, which can be quite substantial in the Keys tropical environment. The new regulations will require on-site vegetative survey (called an "Existing Conditions Report"), including up-to-date aerial photographs, but will continue to use the 1986 maps to ensure no illegal clearing has occurred.

3. **Comment/Question:** Grandfather all lots and do not rescore applications.

Staff Response: Provisions are included in the proposed changes to allow existing applications to retain their perseverance points and to continue to accumulate these points after four years. Applications in the system will be allowed to be withdrawn and revised and resubmitted without penalty or cost prior to the first allocation under the new system.

Not rescoring existing applications would hurt the applicant's chance of receiving a permit, as most existing applications, except for those with a large number of negative points, will have a lower score and be less competitive than newer applications which will automatically receive 30 points for being in a Tier III area.

4. **Comment/Question:** The state commitment of \$93 million is not enough to buy all the lands; where is the rest of the money coming from?

Staff Response: Although the assessed value of privately-owned, vacant lands within Tier I is \$42 million (\$16 million on Big Pine Key) according to the Property Tax Appraiser records, clearly the actual purchase price of these properties may be two to three times higher. It should be understood, that not everyone will be willing to sell their property at one time or within a few years and many properties will remain in private hands as some property owners will be unwilling to sell or can not be contacted. Furthermore, many of these properties contain wetlands and submerged lands which have little market value.

Federal funds will also be available for acquisition of properties in the Key Deer and other Federal Florida Keys Refuges. When the Habitat Conservation Plan for Big Pine Key and No Name Key is approved by the U.S. Fish and Wildlife Service, more acquisition funds will be available to acquire lands not required for mitigation under the approved plan.

Additional properties will be purchased by ROGO applicants and dedicated to the County under the new ROGO system which expands the types and numbers of properties eligible for dedication. Opportunity for improving the scoring of ROGO applications will be limited to lot or parcel dedication.

With that understanding, the County has committed to preparing a *Land Acquisition Master Plan* as part of its Comprehensive Plan Work Program. This Plan, scheduled for completion in the summer of 2005, will identify and place in priority lands for acquisition; identify funding strategies and sources of funds for land acquisition and management, including non-traditional methods and taxation; and identify specific roles and responsibilities for Federal/State/County and non-governmental agencies in the acquisition and management of conservation lands.

5. **Comment/Question:** How will this land be managed? Cost of management?

Staff Response: The Land Acquisition Master Plan will set forth the management policies and procedures for these lands and identify maintenance and restoration needs and funding sources. The County has already established internal policies for management of its conservation lands and identified lands for restoration and exotics removal. The recent ordinance adopted by the BOCC establishes a dedicated funding source for land management and restoration that uses mitigation fees paid by permittees for clearing of upland native habitat. In addition, the County has a 10 year grant agreement with DEP that provides grant funds for supporting removal of invasive exotics.

6. **Comment/Question:** The Existing Conditions Report should also identify animals observed on site.

Staff Response: The staff supports this recommendation and recommends changes in the proposed ordinance to reflect this requirement.

7. **Comment/Question:** Do not allow ROGO dedication for points in Tier I.

Staff Response: As dedication of lots will be the primary method to obtain points, not allowing an application in Tier I to receive any points for ROGO dedication would be tantamount to prohibiting any allocations in Tier I. This could be considered an automatic "taking" of the property with the corresponding legal and financial liability. Therefore, the staff does not recommend this change.

8. **Comment/Question:** Applications for a change in the Tier Overlay designation for a property should only be submitted and reviewed on an annual or semi-annual basis.

Staff Response: Requiring that amendments to the Tier Overlay District Map occur only once or twice a year has definite merit. It would reduce workload on the staff and ensure a more comprehensive, rather than piecemeal review of each request. The staff recommends changes in the proposed ordinance to reflect this procedural change.

9. **Comment/Question:** Don't permit the buying of ROGO points. In a written memorandum received at the meeting, the individual making this statement also

commented that he did not like the practice of applicants arbitrarily selecting and dedicating lots to the County. This practice has led to a "random, unscientific buying patterns of lots and land" and tremendous speculation in ROGO points now reaching "\$20,000" per ROGO point. He went on to request that the County should annually establish the price per ROGO points and allow the option for applicants to either pay into the land acquisition fund or purchase the lots on their own and dedicate them to the County.

Staff Response: The staff believes that allowing applicants to purchase points up to maximum limit (staff recommends three) has merit in it helps to dampen the market value of ROGO lots. The number of points that can be purchased should be limited or it will place significant additional burdens on the Land Authority to identify, appraise, purchase, and acquire these predominately small lots from owners.

Concerns that allowing individuals to purchase lots for dedication to the County will result in random patterns of public ownership fails to take into account that conservation lands eligible for dedication are only within the boundaries of areas designated by the County for acquisition. As to the figure of \$20,000 per point, the staff has found that dedicated ROGO lots (+2 points each) generally have gone for about \$30,000, which is \$15,000 per point. Under the new system, the number of points for a dedicated ROGO lot would increase to +4 reducing the cost to \$7,500 per point.

The staff recommends that the proposed ordinances be revised to allow purchasing of points, based primarily on the average appraised value of all vacant, platted IS/URM lots. This figure would be approved annually by the BOCC.

10. **Comment/Question:** A deed restriction should be put on all ROGO lots preventing future development.

Staff Response: A deed restriction is placed on all property dedicated under ROGO and the Comprehensive Plan requires that such dedicated lands be for conservation purposes. However, as discussed at a previous BOCC meeting, nothing would preclude some future Board from amending the Comprehensive Plan and removing restrictive covenants on these properties. Therefore, the staff is currently exploring two options to address this issue as part of the Land Acquisition Master Plan.

One option would be to make a non-governmental conservation organization along with a County an equal party in restrictive covenant, so the covenant could not be changed without both parties agreeing. The other option would be to establish an independent land trust and transfer all conservation lands to the trust.

11. **Comment/Question:** The County needs to assure that adequate public notification is given for a change of this magnitude. Suggestions included providing direct notice to property owners through tax bills or by certified mail.

Staff Response: The staff believes that sufficient notice has already been given to the public on this comprehensive program. Notice for this program has gone above and beyond that required by the Florida Statutes or County Code. Unfortunately, the date for insertion of a flyer in tax bills is past and the costs to send a notice by certified mail to each owner is prohibitive from a cost standpoint.

Over the last year, the staff has conducted two community workshops, two Planning Commission workshops, three focus group meetings, and four Planning Commission public hearings, not including numerous informal meetings and presentations to various organizations and interest groups. Staff reports and maps explaining the Tier System and proposed changes have been placed on the County's website and made available in County offices and libraries for over the last two years.

Although the Tier System will be a fundamentally different approach to managing growth and the protection of environmentally sensitive lands in the Keys, the proposed changes will not materially change the actual developability or competitiveness in the permit allocation system of the vast majority of properties. Therefore, the major problem with sending out individual notices to every property owner would be to needlessly elevate the concern of property owners over what is actually, in most instances, a small magnitude of change in their relative point value.

The long process to implement these changes, which will take another five to six months, will provide opportunity for property owners to become familiar with the new system if they are interested. The County will continue to advertise in the media, place or get articles in local papers, and make press releases.

Property owners will be given the opportunity to request re-evaluation of the designation of their properties prior to the adoption of the Tier Overlay District Map. The staff is working with the Property Appraiser's office to set up on the County web site an easy method for property owners to verify the designation of their properties and what the designation means in terms of ROGO scoring and environmental requirements.

12. **Comment/Question:** With a point spread between Tier II and Tier III of 10 points, the cost of ROGO lots to dedicate may be greater than the cost of the lot.

Staff Response: If the estimated cost of a ROGO point, based on the value of a ROGO dedicated lot divided by four (points to be awarded for dedication) is \$7,500 to \$10,000, the 10 point spread would translate into \$75,000 to \$100,000 in additional costs to make a Tier II lot competitive with a Tier III lot under the

permit allocation system. The staff had recommended only a 5 point difference, but this was amended by the Planning Commission to a 10 point difference.

Tier II and III lots should be treated differently as Tier II lots contain vestiges of smaller isolated hammock patches and are generally in less developed subdivisions. Tier II lots, many of which are non-waterfront, are also less expensive than Tier III lots; therefore, the additional costs to develop Tier II lots may reduce the market demand for such lots further directing growth to Tier III areas. Tier II lots are not preferred development areas and are designated for acquisition by the county in Goal 105.

With that said, the staff could support consideration by the Board to amend the point spread to the original 5 points (i.e., Tier II = 25 and Tier III = 30), which is more reflective of the differences between the two designations.

13. **Comment/Question:** Stop conversion of campground and RV sites through TRE to condo units

Staff Response: In Section 9.5-120.6 of the LDR the off-site transfer of RV spaces is prohibited.

14. **Comment/Question:** Add a policy that only US 1 interrupts contiguity of habitat in Tier I.

Staff Response: Tier I is considered as a whole, roads are not an issue in the ordinance.

15. **Comment/Question:** Limit clearing on aggregated lots to only the lot proposed for development.

Staff Response: When two lots are aggregated the development is usually on the combined lots. Aggregation is limited to Tier I and Tier II lots and the maximum amount of clearing permitted is 5,000 square feet in the proposed ordinance.

16. **Comment/Question:** Clarify clearing for not-for-profit organizations and public facilities to be consistent with residential clearing.

Staff Response: The proposed clearing limits are by Tier designation not by use.

17. **Comment/Question:** Assign negative cumulative points for endangered species and other listed species.

Staff Response: Habitat and threatened/endangered species are the prime determinants of the Tier I designation. All endangered species habitat identified on the approved endangered species maps and in the maps created for the Florida Keys Carrying Capacity Study are included in Tier I. To retain negative

cumulative points scoring for protected species only increases the County's legal exposure to "takings claims" and needlessly complicates the ROGO scoring process that has been simplified under the proposed regulations.

18. **Comment/Question:** Include a policy that requires all TDR receiver sites to be Tier III lands.

Staff Response: The TDR section of the LDR needs to be completely rewritten. Staff recommends that this amendment not be held up while that redrafting process is undertaken.

19. **Comment/Question:** Make the NROGO point structure the same as ROGO.

Staff Response: There is ample commercially zoned property available in Tier III. The market will control development of lots in Tier I and II which will require dedication of up to five ROGO lots to be competitive for an allocation.

Affordable Housing

1. **Comment/Question:** For affordable housing projects, the net buildable area should not include "open space" requirements, thereby increasing the number of affordable housing units that can be placed on site.

Staff Response: The suggestion to exclude "open space" from the calculation of net density would theoretically raise the number of affordable housing units that can be constructed on a typical site from 20 units per gross acre to 25 units in a UR zone; from 12 units per gross acre to 15 units per acre in SC zone; and from 14.4 units per gross acre to 18 units per acre in MU zone.

The staff is concerned about the impacts of such densities on neighborhood character and site design. Such high densities severely constrain the ability to provide adequate parking and on-site amenities for residents creating more pressure for increasing height limits of buildings.

The troubles with siting of affordable housing in the Keys are well documented. Increasing allowable densities for these projects will only make such siting more difficult for our existing communities to accept.

Therefore, the staff does not support this change which could well make affordable housing projects less compatible with existing community development patterns and subject to further opposition from local residents.

2. **Comment/Question:** Increase the height limits for affordable housing projects.

Staff Response: The staff believes that any increase in height limits for affordable housing may open the door to further erosion of the height limits in the

Keys, which is part and parcel of the Keys character. The Comprehensive Plan is explicitly sets the height limits at 35 feet. Although increasing the height limits will allow for increased density, such increased height and density raises community character issues and may exacerbate the NIMBY (Not in My Back Yard") siting issues associated with needed affordable housing.

3. **Comment/Question:** Give greater density bonuses for building affordable homes on commercially zoned parcels.

Staff Response: The proposed regulations will increase the opportunities for mixing commercial development with affordable workforce housing by eliminating the 1 acre size limit on parcels eligible for the commercial floor space exclusion. This exclusion allows the first 2,000 square feet of floor space for parcels under 2 acres to be excluded from density/intensity calculations where affordable housing is co-located with commercial development.

The staff believes these bonuses will allow for development of sites that will still be in character with the intensity and density of existing development patterns. Higher bonuses may foster development that is not compatible with existing community character or development patterns.

4. **Comment/Question:** Increase incentives proposed for market rate housing mixed with affordable housing from the proposed 3 ROGO points to 5 or 6.

Staff Response: As indicated at the December meeting, further changes in our regulations and programs are needed to more adequately address affordable housing. Rather than further tweaking the scoring in this round of amendments, the staff suggests that such changes be explored as part of a more comprehensive effort to address affordable housing, which the staff intends to initiate in early 2005.

5. **Comment/Question:** Allow for borrowing of all affordable housing allocations for at least 10 years and make permits (allocations?) available immediately.

Staff Response: The existing regulations allow for borrowing up to 20 percent of the total quarterly allocations for multi-family housing ("attached units") not necessarily just affordable housing. No limits are set for the period of time over which these allocations may be borrowed. However, such borrowing can only occur if approved by the BOCC and if the applicant is in ROGO, eligible to receive an allocation and insufficient allocations exist.

Under the proposed regulations, borrowing of future allocations is limited to five years to better protect the defensibility of the ROGO system. Residential projects for which such borrowing is authorized are not limited to solely attached units, but to multi-unit projects.

In approving reserved allocations for affordable housing projects, the BOCC is authorized to borrow 20 percent of affordable housing allocations. The Planning Commission is authorized to allow borrowing for any type of multi-unit residential project that receives an allocation for some, not all of its needed allocations, subject to the 20 percent, five –year limits.

The lack of ROGO allocations for affordable housing has not been a major issue historically; as the supply of allocations has outnumbered the demand of applicants. However, that doesn't mean that the concept of borrowing from the future to provide a larger "pool" of affordable housing doesn't have some merit, especially as the County moves aggressively forward on land acquisition for affordable housing..

The new authority given to the BOCC allows the reserve of allocations for affordable housing projects and to borrow up to 20 percent of future allocations up to five years. The staff could support changes to the proposed language that eliminate the 20 percent limits as long as it is applied solely to affordable housing and the five year limit is retained. This change would allow the BOCC to initially reserve allocations up to a maximum of 355 units ($5 \times 71 = 355$).

6. **Comment/Question:** Allow allocations for affordable housing to be given on a first come, first served basis. The proposed regulations authorizes the BOCC to be given the power to set aside ("reserve") certain numbers of allocations.

Staff Response: The proposed regulations do call for awarding affordable housing allocations on a first-come, first served basis in addition to the new provisions for reserving allocations.

GIS and Tier Overlay District Map

1. **Comment/Question:** There are inconsistencies between the Property Appraisers files and the Tier GIS shape files.

Staff Response: The property files are being geo-corrected (parcels moved to reflect the geography of the Keys and corrected to take into consideration the curvature of the earth). The Tier maps were drafted using an earlier version of the property files. The Tier maps are "maps" they are not intended to be used as an overlay, but they do accurately reflect the specific properties subject to each Tier designation. With the adoption of the Conservation and Natural Area Maps it was decided to continue to use that version of the property files to preserve the legal description of the "map" and prevent confusion.

When the geo-correction of the appraiser files is complete and a final decision is made on the Tier Over-lay Maps a shape file will be created that reflects the geo-corrected appraiser files and may be used on ortho-photography.

2. **Comment/Question:** What aerals were used to review the habitat?

Staff Response: The County used a set of black and white digital ortho-photography that was flown between 2002 and 2003 with a ground resolution of one foot and a horizontal accuracy of plus or minus five feet. This photography provides great detail of ground cover, specifically current development, however habitat distinction is difficult to detect from black and white photography alone. To resolve this problem, the County consulted a set of color-infrared digital ortho-photography produced by the U.S. Geological Survey (USGS). This ortho-photography was flown between 1999 and 2000 with a ground resolution of 3.28 feet (1 meter). While this data is not as current as the black and white ortho-photography mentioned above, the color-infrared ortho-photography makes vegetation identification more straightforward. By using both sets of photography the County was able to adequately review current habitat and, where needed, supplement its review with ground-truthing.

3. **Comment/Question:** How do the Tier I areas compare to the Florida Forever boundaries?

Staff Response: The County has submitted an application to the State (Acquisition and Restoration Council) requesting boundary amendments to Florida Forever boundaries to match the boundaries of Tier I designated areas. It is anticipated that the State will expand the Forever Florida boundaries to include a significant portion of the Tier I designated areas.

**COMPARISON AND ANALYSIS
OF ROGO SCORING UNDER
EXISTING AND PROPOSED SYSTEMS
USING YEAR 13, QUARTER 1, APPLICATIONS**

Upper Keys

| <u>Tier</u> | <u>No.</u> | <u>%</u> | Proposed v. Existing | Range of Scores | |
|-------------|------------|-----------|-----------------------------|-----------------|-----------------|
| | | | <u>Av. Change in Scores</u> | <u>Existing</u> | <u>Proposed</u> |
| I | 11 | 4 | - 12.1 | -4 to +23 | 0 to +12 |
| II | 69 | 24 | + 4.6 | +11 to +23 | +20 to +30 |
| III | <u>203</u> | <u>72</u> | <u>+13.6</u> | +11 to +24 | +30 to +45 |
| | 283 | 100 | +10.4 | | |

Minimum Score Required to Receive An Allocation: Present: +22 Proposed: +37.

Highest Score Application in Tier II under New System: Ranked 200 with a score of 30 points (23 points under current system).

Highest Score Application in Tier I under New System: Ranked 277 with a score of 12 points (23 points under current system).

Top 189 ranked applications (67% of all applications) in the new system are in Tier III (93% of all Tier III applications)

Current System: Of the 15 applications that would receive an allocation 2 are in Tier I, 2 in Tier II, and 11 in Tier III.

Proposed System: Of the 15 applications that would receive an allocation all 15 are in Tier III.

Lower Keys

| <u>Tier</u> | <u>No.</u> | <u>%</u> | Proposed v. Existing | Range of Scores | |
|-------------|------------|-----------|-----------------------------|-----------------|-----------------|
| | | | <u>Av. Change in Scores</u> | <u>Existing</u> | <u>Proposed</u> |
| I | 10 | 9 | - 5.0 | -26 to +18 | 4 to +14 |
| II | 13 | 12 | + 6.0 | + 7 to +19 | +16 to +24 |
| III | <u>89</u> | <u>79</u> | <u>+15.2</u> | + 8 to +20 | +26 to +38 |
| | 112 | 100 | +12.3 | | |

Minimum Score Required to Receive An Allocation: Present: +18 Proposed: +33.

Highest Score Application in Tier II under New System: Ranked 90 with a score of 24 points (19 points under current system).

Highest Score Application in Tier I under New System: Ranked 104 with a score of 14 points (17 points under current system).

Top 89 ranked applications (79 % of all applications) under the new system are in Tier III (100% of all Tier III applications)

Current System: Of the 14 applications that would receive an allocation 2 are in Tier II and 12 in Tier III.

Proposed System: Of the 14 applications that would receive an allocation all 14 are in Tier III.

County of Monroe


Growth Management Division
2798 Overseas Highway
Suite 410
Marathon, Florida 33050
Voice: 305.289. 2500
FAX: 305.289. 2536



Board of County Commissioners
Mayor Dixie Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David Rice, District 4
Murray E. Nelson, District 5

MEMORANDUM

TO: Board of County Commissioners

FROM: Timothy J. McGarry, AICP
Director of Growth Management 

DATE: January 5, 2005

SUBJECT: **Staff Response to Mr. Fried's Letter and Newspaper Article**

The Board of County Commissioners have been sent the attached copies from Mr. Hal Fried of a form letter he sent to 61 ROGO applicants along with a copy of a recent news article dated December 31, 2004, from *The Reporter*. The staff has reviewed both the newspaper article and Mr. Fried's letter and offer the following responses to the "facts" cited or conclusions made in both these documents.

Newspaper Article

A statement is made that a number of property owners purchased lots with the "encouragement from the county that the lots were buildable." It is further stated that the owners were "even given one environmental point, because the lots were scarified and perfect candidates for homes."

The County does not identify or encourage property owners to purchase specific lots that are buildable, especially as the buildability of a lot is no guarantee that the property can be developed within a reasonable time period. Under the current system, the real determination is generally the environmental scoring of a lot under the ROGO system and the willingness of property owners to dedicate lots to the County or make specific improvements to make their ROGO applications competitive.

The fact that the ROGO applications for the 61 subject lots mentioned in the article received a positive point does not necessarily mean these lots were "scarified " or "perfect candidates" for homes. The positive one point is awarded for lots that are scarified, disturbed, and/or disturbed with hammock, where upland native habitat (i.e., tropical hardwood hammock or pinelands) is not to be cleared, even though the lot may currently contain native habitat, which is probably the case with many of these lots.

Furthermore, the County's Code requires that the habitat scoring be based on the 1985 habitat maps. The development application proposing the clearing of any "new growth" hammock occurring on the site since 1985, would still result in a positive point with no negative habitat points.

The current County regulations, both for environmental standards and the ROGO system, do not comprehensively consider new upland habitat growth, and the direct or secondary impacts on habitat and endangered/threatened species. The current system allows almost any platted lot, no matter how remote from any public infrastructure or isolated to receive the same number of points. Reliance on this lot-by-lot and overly complicated system encourages further incursions into "new growth" areas and works to further fragment remaining upland habitat by eliminating the opportunities for habitat restoration and connection of habitat patches.

The article further states those "60 [sic] lots have been re-scored and put into Tier I or II classifications that make building nearly or completely impossible."

Tier I designated lots will be difficult and expensive to build on because these are the very lands that were identified in the Florida Keys Carrying Capacity Study and Goal 105 as essential for environmental preservation and restoration through public acquisition. Tier II areas are those with less developed subdivisions and smaller patches, where development is to be somewhat discouraged to eliminate further sprawl and protect remaining patches of locally significant upland native habitat. [Note: Of the 61 lots subject of the article, 9 are in Tier I and 52 in Tier II.]

Therefore, it should be expected that lots in Tier I and II will be less competitive in the ROGO, which is the basic intent of Goal 105 and the recommendations of the Florida Keys Carrying Capacity Study. For example, to make Tier II lots competitive with Tier III lots, will require an additional the 9 to 17 points. This point spread hardly makes these lots "nearly or completely impossible", particularly when one considers that points awarded for lot dedication will increase from "2" to "4" per lot and applications in the system will gain perseverance points.

If one further examines the scores for these 61 lots relative to the scores of the other 480 or so lots in the current ROGO system, the statements made in the article about making these lots "unbuildable" have even less credibility. As the new ROGO system could not go effect until the first quarter of ROGO Year 14 (July 05-Oct 05), at the earliest, the staff has determined at least 3 of the lots will receive allocations while another 3 more may receive an allocation depending upon the competition.

An analysis of the remaining 55 lots reveals that these lots are not competitive and would not receive an allocation under **either** the existing or proposed system without additional points. Although it can be argued that the vast majority of these lots will be less competitive under the new system as compared to the existing one, the issue is really moot if they still are unable to successfully compete to receive an allocation award. These lots still will be eligible for administrative relief after four years.

Mr. Fried's Letter

In his form letter to the property owners of the 61 lots, Mr. Fried claims that "arbitrary lines have been drawn on the county map designating particular areas as being environmentally sensitive".

This statement is simply incorrect. The tier designations were drawn up following the criteria in Goal 105 and the proposed ordinance establishing the Tier Overlay District Map in the Land Development Regulations.

The environmentally sensitive areas were initially identified using the Florida Marine Research Institute ADID maps, which formed the very lands called for protection and restoration by the Florida Keys Carrying Capacity. These maps were supplemented by up-to-date aerals, property tax records, and site visits by County staff.

Should any property owner dispute the staff's recommendations, the County has already established a process for considering revisions to the tier designation of any property prior to the adoption of the Tier Overlay District Map.

Mr. Fried's letter further makes the conclusion that "you [property owner's lot] have been or about to be rezoned into Tier two or one and will be penalized 10 to 30 points under the guise of environmentally sensitivity".

Except for Tier I lands that are subject to the Interim Development Ordinance, Tier 2 and Tier 3 designations will not be enacted until the Tier Overlay District Map is approved in early summer. Furthermore, as emphasized in the staff's response to the newspaper article, some of those very lots will receive an allocation prior to the new system going into effect.

The letter's language makes it appear that all the applications will lose 10 to 30 points under the new system, which is simply incorrect. Except for the small handful of Tier I lots, the Tier II lots will gain points under the new system rather than lose any points.

But as stated previously, the real issue is not the change in the number of points, but the relative competitiveness of a lot to receive an allocation. The overwhelming majority of these lots are simply not competitive under the existing system and will be less competitive under the proposed system, which is exactly what is called for under the objectives and policies of Goal 105.

His letter concludes with a request that "all applicants who were accepted into the ROGO and given a plus one point for environment should receive 30 points, not 20 or 0."

To assign 30 points to lots that do not meet the criteria for Tier III designation clearly defeats the entire purpose and rationale of the Tier system. As explained before, the assigning of the one point under the current system only means that no clearing of upland native habitat has occurred based on the 1985 Habitat Maps. These maps fail to take into account new growth. Furthermore, the assignment of Tier III to a lot is based on more factors than simply whether or not habitat is cleared.

The staff has proposed specific vesting provisions for existing applications. These applications will be able to keep their perseverance points and keep accruing these points beyond four years. Additionally, applicants will be able to withdraw their applications at no penalty or charge to revise and resubmit their ROGO application.

Attachments

cc: Ms. Ann Henson, *The Reporter*

LOCAL NEWS

4 • The Reporter

December 31, 2004

Tier system changes status of some scarified lots

Owners lose ability to build

BY ANN HENSON
Staff Writer

A number of property owners purchased lots with encouragement from the county that the properties were buildable.

The owners were even given one environmental point because the lots were scarified and perfect candidates for homes.

Now, those 60 lots have been re-scored and put into Tier I or II classifications that make building nearly or completely impossible.

Forty-five of those lots are on the island of Key Largo; 16 lots are in the Lower Keys.

As the county moves away from its rate of growth system (ROGO) to the tier system, some fallout should be expected, said Marlene Conaway.

"That situation is entirely possible," she said.

She added that the state will purchase the Tier I lots and the county should focus its purchasing efforts on some of the unbuildable Tier II lots.

The situation stems from the county's use of 1985 habi-

tat maps.

And that was done purposefully because they show where the hammocks were.

And while the county cannot undo the development of native areas, it can protect the remaining patches, Conaway said.

"Because there's been 20 years of growth in these areas, existing maps are not protecting this habitat," she said.

She said people in the above situation will still get perseverance points — one point per year for up to four years.

"And they can donate a lot" to gain four points.

However, those with Tier II lots will lose 10 points right off the top as Tier II receives 20 points and Tier III gets 30 points in this new system.

She added that legal consultants in Kansas City will review the tier system, looking for takings issues.

"I think you will find that very few are not within the same range that they were," she said.

Property owners with Tier I lots have until the end of January to request a review.

Those with Tier II or III lots can appeal through the middle of April.

"But we are not going to take one lot in a subdivision

and say this lot should be changed because that's in complete opposition to Goal 105 — sprawl reduction areas and preservation of smaller habitat patches."

Two more public hearings are slated for the adoption of the tier system — Wednesday, Jan. 19 in Key West and Wednesday, Feb. 16 in Key Largo. The public hearings begin at 5 p.m.

Ann Henson covers state and Monroe County government, environment, Key Largo and is the editor of The Reporter's website. She can be reached at 852-3216 or by e-mail at amhenson@keysreporter.com.

TIER DEFINITION

Tier I is the area targeted for conservation. People owning those lots will not be allowed to build.

Tier II is the transition area between environmentally sensitive areas and platted subdivisions that are less than 50 percent built.

New development in this area would be discouraged and it would be more difficult to build here. Lot owners will get 20 points toward a building permit.

Tier III includes in-fill areas where subdivisions are more than half built out and infrastructure is in place. This is where home building would be encouraged.

These lots generate the highest number of points — 30.

Additional points can also be obtained.

The individuals with the highest amount of points will be granted permits.

MAYOR SPEHAR!

THIS IS THE ISSUE I SPOKE TO YOU ABOUT - YOU
5 CAN MAKE THIS TRANSITION FAIR BY GRANDFATHERING
WE GO WITH 30 POINTS - THERE IS NO LOGICAL REASON
NOT TO - ANYTHING LESS IS A DOUBLECROSS.

PLEASE LOOK
INTO THIS!
HAL FRIED

January 2, 2005 *COMMISSIONER NELSON - I HAVE MAILED 61 OF THESE TO PERSONS EFFECTED ALONG WITH A COPY OF THE ARTICLE PREVIOUSLY FAXED TO YOU. WE NEED YOUR HELP TO GET THIS SITUATION MADE RIGHT?*

According to public information you have a project in the Monroe County, FL ROGO building permit system along with some 480 others. However, you have the distinction of being among a small group of 61 similar souls countywide who are about to be made non-competitive in a new system by Monroe County. *H.F.*

The ROGO system is about to be replaced by the Tier system. Arbitrary lines have been drawn on the county map designating particular areas as being environmentally sensitive.

When your building project entered the ROGO system you received a + 1 point because your lot is scarified or disturbed. You were told the property had no environmental problems and you were encouraged to build.

Well, you have been or are about to be rezoned into Tier two or one and will be penalized 10 to 30 points under the guise of alleged environmental sensitivity (SEE ENCLOSED ARTICLE).

The final approval of this new system is in the hands of the Monroe County Board of County Commissioners (BOCC). They are: Mayor Dixie Spehar, Commissioner George Neugent, Commissioner David Rice, Commissioner Sonny McCoy and Commissioner Murray Nelson. They, along with the Planning Department, can be reached by calling the switchboard at 305-852-1469.

There are avenues of appeal of course and legal remedies but this entire double-cross can be avoided by adding one simple caveat.

If we must have a new system and we must be rescored then do it fairly. All applicants who were accepted into the ROGO system and given a plus one point for environment should receive 30 points, not 20 or 0. This would constitute the grandfathering we have repeatedly been promised by the planning staff!!! The BOCC can make this happen and there is no reason not to. Two public hearings remain before the other shoe drops.

Commissioner Rice stated at the last BOCC meeting that it is important to "get the word out", that a big change is coming; I'm just trying to help.

God Bless the United States Constitution and this great country where we are privileged to live.

HAL FRIED

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 19, 2005

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning

AGENDA ITEM WORDING:

Public hearing to consider adopting a DCA Transmittal Resolution to amend the Monroe County Year 2010 Comprehensive Plan to delete the HEI requirements in the Plan, require an existing conditions report including a vegetation survey, require a grant of conservation easement to protect open space vegetation and limit the clearing of native upland vegetation dependent on the tier system designation, and provide for a Land Acquisition Master Plan.

[1st of 2 required public hearings]

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. The Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. Several stakeholder forums and two community workshops were held to review the proposed amendments. Staff is recommending that the initial public hearing on the transmittal resolution be continued and held in each area, before its adoption. This is a continuation of the Hearing held on December 15, 2004.

PREVIOUS RELEVANT BOCC ACTION:

Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No ☐

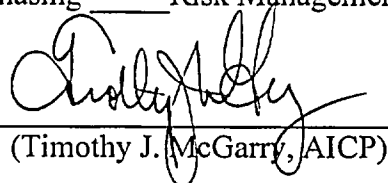
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No ☐ **AMOUNT PER MONTH** N/A **Year** ☐

APPROVED BY: County Atty X OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X To Follow ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # T-3A

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 19, 2005

Division: Growth Management

Bulk Item: Yes No X

Department: Planning

AGENDA ITEM WORDING:

Public hearing to consider adopting a DCA Transmittal Resolution amending the Monroe County Year 2010 Comprehensive Plan to change the Rate of Growth Ordinance (ROGO) and the Non-Residential Rate of Growth Ordinance (NROGO) to utilize the Tier Overlay as the basis for the competitive point system. deleting, revising and adding policies, objectives and requirements for the implementation of Goal 105 of the 2010 Comprehensive Plan and the Tier Overlay District.

[1st of 2 required public hearings]

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. The Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. Several stakeholder forums and two community workshops were held to review the proposed amendments. Staff is recommending that the initial public hearing on the Transmittal Resolution be continued and held in each area, before its adoption. This is a continuation of the Hearing held on December 15, 2004.

PREVIOUS RELEVANT BOCC ACTION:

Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No

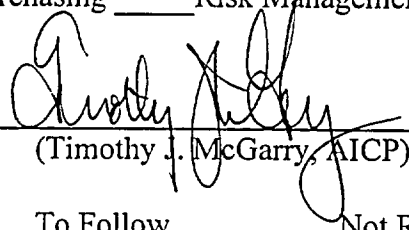
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # T-3B

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 19, 2005

Division: Growth Management

Bulk Item: Yes No X

Department: Planning

AGENDA ITEM WORDING:

Public hearing to consider adoption of an amendment to the Monroe County Land Development Regulations to amend environmental regulations; deleting sections 9.5-336 through 9.5-343 to eliminate requirements for the Habitat Evaluation Index (HEI); creating new Section 9.5-336 to require an Existing Conditions Report, including vegetative survey; creating new Section 9.5-337 to protect upland vegetation through grant of Conservation Easements; creating new Section 9.5-338 to incorporate existing open space requirements for wetlands; revising Section 9.5-347 to provide for maximum clearing limits of native upland vegetation based upon the Tier system designation of the subject property.

[1st of 2 required public hearings]

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. The Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. Several stakeholder forums and two community workshops were held to review the proposed amendments. Final adoption will not occur until the DCA has reviewed the Transmittal Resolutions for the 2010 Comprehensive Plan amendments, which are being reviewed in conjunction with this amendment. This is a continuation of the Hearing held on December 15, 2004.

PREVIOUS RELEVANT BOCC ACTION:

Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

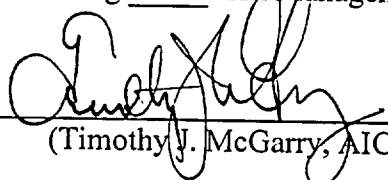
TOTAL COST: N/A **BUDGETED:** Yes N/A No

COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # T-3C

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 19, 2005

Division: Growth Management

Bulk Item: Yes No X

Department: Planning

AGENDA ITEM WORDING:

Public hearing to consider adopting an Ordinance amending the Monroe County Land Development Regulations Sections 9.5-120 through 9.5-125 and to Section 9.5-266 to change the Rate of Growth Ordinance (ROGO) to utilize the Tier Overlay as the basis for the competitive point system, prohibiting affordable housing allocations in Tier I, increasing the affordable covenants to 99 years for public financed properties and making allocations for affordable housing on a first come basis or by reservation of the BOCC.

[1st of 2 required public hearings]

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. The Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. Several stakeholder forums and two community workshops were held to review the proposed amendments. Final adoption will not occur until the DCA has reviewed the Transmittal Resolutions for the 2010 Comprehensive Plan amendments, which are being reviewed in conjunction with this amendment. This is a continuation of the Hearing held on December 15, 2004.

PREVIOUS RELEVANT BOCC ACTION:

Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No

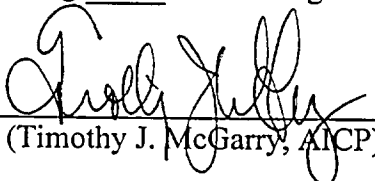
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # T-3D

AGENDA ITEM SUMMARY

Department: Planning

AGENDA ITEM # T-3E

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 19, 2005

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning

AGENDA ITEM WORDING:

Public hearing to adopt an Ordinance amending the Monroe County Land Development Regulations to revise Section 9.5-124 through 9.5-124.8 Non-Residential Rate of Growth Ordinance (NROGO) utilizing the Tier Overlay as the basis for the competitive point system.

[1st of 2 required public hearings]

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. Several stakeholder forums and two community workshops were held and the Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. Adoption of this ordinance will not occur until the DCA has completed its review of the proposed 2010 Comprehensive Plan amendments to be sent to that agency under the two Transmittal Resolutions. This is a continuation of the Hearing held on December 15, 2004.

PREVIOUS RELEVANT BOCC ACTION:

Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No ☐

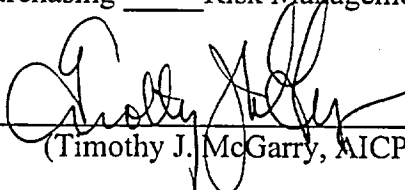
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No ☐ **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X To Follow ☐ Not Required ☐

DISPOSITION:

AGENDA ITEM # T3-F

AGENDA ITEM SUMMARY

Department: Planning

AGENDA ITEM # T-4

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

MEETING DATE: JANUARY 19, 2005

DIVISION: COMMUNITY SERVICES

BULK ITEM: NO (TIME APPROXIMATE PLEASE)

DEPARTMENT: COMMUNITY SERVICES

AGENDA ITEM WORDING: Presentation and discussion of the Lower Keys (Key West to Marathon) Fixed Route Bus Transportation by the FDOT Contracted Consultants on the feasibility study and route survey.

ITEM BACKGROUND: See Attached – This will also be presented to the Key West City Commissioners.

PREVIOUS RELEVANT BOCC ACTION: Presentation given by Myra Hernandez, City of Key West Transportation Department in 2004.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATION: Presentation and Discussion

TOTAL COST: -0-

BUDGETED: N/A

COST TO COUNTY: -0-

REVENUE PRODUCING: N/A

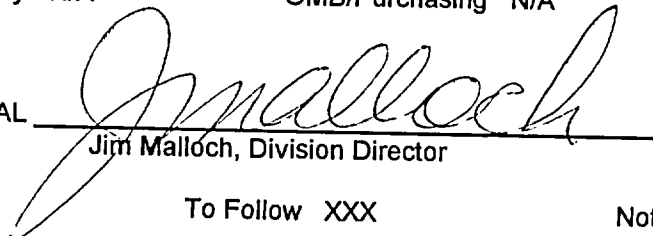
AMOUNT PER MONTH /YEAR:

APPROVED BY: County Attorney N/A

OMB/Purchasing N/A

Risk Management N/A

DIVISION DIRECTOR APPROVAL


Jim Malloch, Division Director

DOCUMENTATION: Included

To Follow XXX

Not Required

AGENDA ITEM #

41

DISPOSITION: